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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/937,883      09/25/97      GRUPER      S      COLB-0083

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LM02/0915

EXAMINER

FOLLANSBEE, J

ART UNIT	PAPER NUMBER
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2783

DATE MAILED:

09/15/99

*12*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/937,883**

Applicant(s)  
**Gruper et al.**

Examiner  
**John Follansbee**

Group Art Unit  
**2783**



☒ Responsive to communication(s) filed on Mar 27, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Art Unit: 2783

### **DETAILED ACTION**

1. Claims 1-18 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
3. Claims 1-3, 6-9 and 13-18 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Secure4U (copyright date March 19, 1997).
4. As per claims 1-3, 8, 9 and 13-17, they are rejected as being clearly anticipated by Secure4U based on Applicant's assertion that claims 1-3, 8, 9 and 13-17 are unquestionably being infringed upon by Secure4U of paper no. 5.
5. As per claim 18, claim 18 is a conglomeration of claims 3, 9, 16 and 17, and is therefore rejected for same reasons as stated above.
6. As per claims 6 and 7, it is an inherent feature that Secure4U stops querying when reset because when the system is reset all processing is stopped.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Secure4U (copyright date March 19, 1997) in view of Shane (5,793,972).

9. Shane shows the use of determining attempts for the duration of one of a predetermined time period and a predetermined number of access attempts (e.g. col. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shane with Secure4U because it would provide for enhanced security mechanisms.

10. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Secure4U (copyright date March 19, 1997) in view of Lohstroh et al. (5,768,373) (hereinafter Lohstroh).

11. Lohstroh shows the use of an operator to override security measures (e.g. col. 1). It would have been obvious to one of ordinary skill at the time the invention was made to combine the Lohstroh with Secure4U because it would provide for access to secured data when an access key to the data has been lost or forgotten.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Follansbee whose telephone number is (703) 305-8498. The examiner

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can normally be reached on Monday to Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An, can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

John Follansbee

September 12, 1999.

**John A. Follansbee**  
**Patent Examiner**